

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**FILED**APR 02 2018 *YJ*TALMON HEGWOOD, JR.,
Plaintiff,THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

-versus-

MEIJER, INC. and CASEY STEFANO
Defendants.

No. 1:17-cv-02887

No. 1:17-cv-0128

Honorable GARY FEINERMAN, J

Honorable ANDREA R. WOOD, J

MOTION FOR A CONSOLIDATION ORDER

NOW INTO THIS HONORABLE COURT comes TALMON HEGWOOD, JR. (Hegwood) proceeding in propria persona and respectfully moves the Court for an ORDER Consolidating the two causes of action captioned above. This motion is being made pursuant to the applicable provisions of the Federal Rules of Civil Procedure (Fed.R.Civ.P). Fed.R.Civ.P 42(a)(2).

The grounds for this motion are as follows:

I

This prose plaintiff was arrested in the clear absence of probable cause and he was assaulted and choked by defendant CASEY STEFANO (STEFANO) a police officer for the city of Berwyn on December 2, 2018. The plaintiff Hegwood was charged with an alleged shoplifting that is asserted by Meijer, Inc., (Meijer) defendant herein in Court document to have occurred on August 11, 2015, December 16, 2016 and/or September 1, 2016. Realizing the Court is exceedingly busy this

1. See Holmes v. Vill. of Hoffman Estates, 511 F.3d 673 (7th Cir. 2007); Garcia v. City of Chicago, 2012 U.S. Dist. LEXIS 22708 (Feinerman), (J); Powell v. City of Berwyn, 68 F. Supp. 3d 929 (N.D. Ill. 2014); Manuel v. City of Joliet, 137 S.Ct. 911 (U.S. 2017)...

pro se plaintiff adopts the Court's MEMORANDUM OPINION AND ORDER (Doc. # 50) here verbatim as opposed to elaborating the factual contentions and issues involved in the cause. styled and numbered Hegwood v. Meijer, Inc, et al. No. 1:17-cv-02887.

II

On January 9, 2017, Hegwood filed in the office of the Clerk of Court a form complaint, in forma pauperis affidavit and motion for appointment of counsel. The cause was assigned to United States District Court Judge, Honorable Andrea R. Wood (Wood). The factual issues have yet to be addressed; although Judge Wood did enter an ORDER which granted Hegwood leave to proceed as a poor person in forma pauperis. The Court also recruited Mr. Tarek Ismail, and (Allyson), Mrs. Allyson Julien Esq to provide Hegwood with legal representation. In the cause Hegwood v. Nneka Jones-Tapia, et al. No. 1:17-cv-0128. Hegwood, of course, certainly appreciate the Court's initiative and the assistance rendered by recruited counsel and less there be any misperception Hegwood and both Attorneys mentioned hereinabove has and shall continue to maintain a productive and constructive Attorney-client relationship. In point of fact, however, the case and its current status fuel the truth to the old adage: "The Law Travel On leaden feet." The Court's ORDER in No. 1:17-cv-0128 (Doc. # 33) indicated that it concluded that Hegwood was in "imminent danger" as a result of being denied treatment for his Hepatitis C Virus (HCV) which he

ii. In his complaint, Hegwood v. Jones-Tapia, et al, the Honorable Judge Wood recognized that Hegwood (sic) "claims that defendants who are correctional officials and health care providers employed by the Illinois Department of Corrections ("IDOC") and "...the Cook County Jail, have violated his constitutional rights by exposing him to unsafe conditions of confinement, acting with deliberate indifference to his serious medical needs, miscalculating his release date, subjecting him to to inhumane conditions of confinement, retaliating against him for being a "whistle blower," interfering with his access to the courts and failing to protect him."

contracted after being forced to accept a prison program job assignment while confined in an IDOC penal facility. IDOC records will reveal Hegwood was the TRASH COMPACTOR OPERATOR at Shawnee Correctional Center. IDOC officials were and no doubt still are engaged in illegal dumping of human waste and have also illegally dumped hazmat or hazardous materials. Judge Wood was correct. Hegwood was and still is in imminent danger as an inescapable result of Cook County Department of Corrections (CCDOC) continuing with an unconstitutional protocol styled "POLICY" copy of which is annexed hereto, incorporated herein and made a part hereof as Exhibit A. Not only were American citizens in the Southern Illinois community near the Hardin County work camp effected, some fatally, but because of the intentional failure to afford IDOC and CCDOC inmates minimally adequate treatment after discovering they were positive for HIV; more than eighty five (85) former CCDOC detainees were allowed to die as opposed to providing treatment for. A listing of the numerous men and women who expired because of the denial of adequate medical treatment are named in a document styled "DECEASED INMATES" prepared by the learned renowned Attorney, Honorable H. Kent Heller and his staff at Heller Holmes + Associates, P.C. The deceased inmates list is annexed hereto and made a part hereof as Exhibit B. The decedents are begging the Courts for justice and hopefully the Court will declare that CCDOC's "POLICY" as described in Exhibit A is unconstitutional. Decedents beg through the pen and the voice of Hegwood. The law was clearly established that Hegwood and decedents had a right to treatment for HIV. See Roe v. Flyer, 631 F.3d 843 (7th Cir. 2011). Roe stand for the proposition that when IDOC and CCDOC become aware of an inmate, or detainee has HIV they have an obligation to afford him/her adequate treatment. See,

Robinson v. California, 370 U.S. 660 (1962); Estelle v. Gamble, 429 U.S. 97 (1976); Farmerv. Brennan, 511 U.S. 1994, 511 U.S. 825 (1994) and Ziglar v. Abassi, 137 S.Ct. 1843 (2017). Intentionally delaying treatment for a potentially fatal disease and falsifying Hegwood's medical records is no less than deliberate indifference and criminal recklessness. Because cCDC knows of but have failed to afford Hegwood treatment for his HCV which is "serious" cCDC Policy-makers are liable to Hegwood for damages. See Miller v. Campanella, 794 F.3d 878 (7th Cir. 2015); Johnson v. Wright, 412 F.3d 398 (2nd Cir. 2005) (HCV); McDonald v. Hardy, 821 F.3d 882 (7th Cir. 2016). But see, Chimenti v. Pa. Dept. of Corrections, 2017 U.S. Dist. LEXIS 124892 (HCV Protocol) (Treatment with DAAs for 8-12 weeks cures more than 90% of patients and has become the standard of care in the community for HCV) Chimenti, Id at pg. 6. See also, Roberts v. Wilson, 2017 U.S. Dist. LEXIS 159873.

III

Fed. R. Civ. P. 42(a)(2) comes into play in the case at bar particularly in light of the fact the two civil rights causes brought by Hegwood involve the same issues, for the most part, and defendant Stefano is named in both causes. Discovery is nearly the same and there is only one plaintiff. No plaintiff should have two different Federal District Court Judges rendering judicial decisions concerning nearly the same issues, the same plaintiff, one of if not more, of the same defendants at the same time; and, the Rules clearly allow Federal District Court Judges to consolidate actionsⁱⁱⁱ that involve a common question of law or factⁱⁱⁱ; Blair v. Equifax Check Servs. Inc., 181 F.3d 832, 839 (7th Cir. 1999). Consolidating Hegwood v. Meijer, Inc., and Casey Stefano

iii. See Burnett v. Cowen Loan Servicing LLC, 2017 U.S. Dist. LEXIS 183827 (N.D. Ill. 2017).

No. 1:17-cv-02887 with Hegwood v. Stefano, Jones-Tapia, et al., No. 1:17-cv-0128 is by far the best means of avoiding wasteful overlap when related suits are pending in the United States District Court for the Northern District of Illinois. Judge Gary Feinerman is exceedingly preoccupied in the interludes of Court business no doubt has a very heavy schedule. In point of fact, however, the transcript of the first hearing in our cause, where the attorneys for both Meijer, Inc. and Stefano, and Hegwood appeared in person shall reveal; that Hegwood advised the Court and put defendants on notice that he intended to bring a motion to consolidate the two cases.^{iv} Judge Feinerman advised Meijer and Stefano's attorney that Stefano had been named in Hegwood's action pending before the Honorable Judge Wood and that his Honor would confer with her Honor. Suffice to say no party will be prejudice by an order consolidating the two causes of action and having Federal Magistrate, Honorable Daniel G. Martin continue supervise discovery and mayhaps adjudicate the controversy.

Respectfully submitted,

[Signature]

Salmon Hegwood, Jr. pro se
#20170620227 DIV 4-2-L
Post Office Box 089002
Chicago, IL 60608

Affirmed
SUBSCRIBED AND ~~SWEORN~~ TO before me, this the 19th day of March 2018.

[Signature]
Carmella K. Richards
NOTARY PUBLIC



iv. General Counsel for defendants, the Cook County Sheriff and CEO for the CCDOC also appeared before the United States Magistrate Judge in connection with Hegwood v. Meijer, Inc., et al. which provides proof positive that all parties stand on an equal footing.

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, did personally affiant, TALMON HEGWOOD, JR., known unto me, who upon his oath, after being duly sworn did depose and state:

I HEREBY CERTIFY that I have served a true and correct copy of

MOTION FOR A CONSOLIDATION ORDER on

Mr. Joseph C. Sheahan, Esq.
Cunningham Meyer + Vedrine
Attorneys At Law
One East Wacker Drive
Chicago, IL 60601

Honorable John R. Lausch, Jr.
United States Attorney
U.S. Department of Justice
219 South Dearborn Street
Chicago IL 60604

Mr. Michael Durkin, Esq.
Storino Romello + Durkin
Attorneys At Law
9501 West Devon Suite 800
Rosemont, IL 60018

Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Mr. Nicholas Scouffas, Esq.
General Counsel
Sheriff of Cook County
50 West Washington Street
Chicago, IL 60602

President Donald Trump
c/o Honorable Randolph T. Altes
Director U.S. Secret Service
White House
Washington, D.C. 20500

Mrs. Laura Logan, Esq.
Commentator
CBS 60 Minutes
124 West 57th Street
New York, NY 10019

Mr. Edwin Eisendrath, Esq.
CEO
Chicago, IL Chicago Sun Times
350 North Orleans Street
Chicago, IL 60654

by placing same in sealed envelopes, properly addressed, first class postage prepaid and posting same with the U.S. Postal Service on or before March 20, 2018.

I declare under the penalty of perjury the above is true and correct

Talmon Hegwood, Jr.
Talmon Hegwood, Jr.

SUBSCRIBED AND AFFIRMED
before me, this the 19th day of March 2018,

Carmella K. Richardson
NOTARY PUBLIC



Cermak Health Services of Cook County Policy G-02.7, Hepatitis C	
Lead Department: Medicine	Effective Date: 8/1/2010
Participating Departments: A C D I L M N Q	Due Date for Review: 7/31/2011

POLICY

Cermak Health Services will test for hepatitis C virus (HCV) infection in patients with chronic liver disease, patients with HIV infection or chronic hepatitis B infection, patients on hemodialysis, and persons who request the test. Cermak will evaluate patients with known hepatitis C. In making treatment decisions, Cermak will take into account the length of stay in jail, which is typically both unpredictable and short in comparison with the time needed for evaluation and treatment. Cermak will counsel patients with known HCV regarding reducing risk of transmission and will assist in discharge planning.

PROCEDURE

The clinician should, in general:

1. Test the patient for hepatitis C infection in any of these situations, if prior testing has not been done:
 - Symptoms or signs of chronic liver disease
 - Repeatedly elevated liver enzymes over a period of at least 6 months
 - HIV infection or chronic hepatitis B infection
 - Hemodialysis
 - Patient request
 - Sexual assault while incarcerated – see Cermak Policy B-05
2. Proceed as follows in a patient with confirmed hepatitis C infection:
 - Enter the diagnosis on the problem list (ICD-9 code 070.54);
 - Perform and document a focused history and physical exam;
 - Test CBC, albumin, bilirubin, INR, HIV, hepatitis B antigen, and serial transaminases;
 - Consider hepatic imaging;
 - Recommend hepatitis A and B immunization, if not already given
 - Counsel the patient to:
 - Abstain from all alcoholic beverages and illicit drugs;
 - Avoid sharing razors, toothbrushes, or drug paraphernalia;
 - Practice safe sex;
 - Offer drug counseling, if clinically appropriate;
 - Provide a list of sites for follow-up in the event that the patient is discharged
3. Consult with a specialist in infectious disease and/or gastroenterology in any of the following situations:
 - The patient in the midst of hepatitis C treatment or post-treatment surveillance when incarcerated;
 - The patient has hepatitis C and fulfills published national guidelines as a person for whom therapy would be widely accepted (American Association for the Study of Liver Diseases, as endorsed by the Infectious Disease Society of America: www.aasld.org/practiceguidelines) AND the patient:
 - Has been abstinent from alcohol and illicit drug use for at least 6 months and states a commitment to remain abstinent throughout entire period of treatment and post-treatment surveillance; AND
 - Has an anticipated jail stay of 12 months or more; AND
 - Is willing to consider antiviral treatment.
 - The patient has hepatitis C and is also suspected to have a coexisting treatable cause of chronic liver disease.

SELF-MONITORING OF COMPLIANCE INDICATORS

See Cermak Policy G-02

SAO BOBBITT 001084

MOTION FOR CONSOLIDATION Exhibit A

**Cermak Health Services of Cook County
Policy G-02.7, Hepatitis C**

CROSS-REFERENCES

NCCHC Standards addressed by this policy	G-01, G-02
Pertinent ACA Standards	4-ALDF-4C-19
Cermak policy number in last revision	19-B-01-27; 01-08G-25
Revision dates of all previous versions	1/2006
Date of last review, if later than last revision	n/a
Other related Cermak policies	G-01, G-02
Pertinent system-wide CCHHS policies	n/a
Pertinent custody directives	n/a

Cermak Health Services of Cook County
Policy G-02.7, Hepatitis C

Participating Department * Lead department for this policy		Signature	Date	Review: Initials, Date	Review: Initials, Date
A	Chief Operating Officer*	<i>[Signature]</i>	6/5/10		
A	Chief Medical Officer*				
C	Corrections				
D	Dental				
I	Infection Control				
L	Laboratory				
M	Medical				
N	Patient Care Services				
Q	Quality Improvement				



**COOK COUNTY HEALTH
& HOSPITALS SYSTEM
CCHHS**

		Category: Cermak Health Services
Subject: Special Needs and Services	Page 1 of 3	Policy #: G-02.7
Title: HEPATITIS C	Approval Date: 2/6/2015	Posting Date: 2/27/2015

POLICY

Cermak Health Services will consider testing for hepatitis C virus (HCV) infection when clinically indicated. In making treatment decisions, Cermak will take into account the length of stay in jail, which is typically both unpredictable and short in comparison with the time needed for evaluation and treatment. Cermak will counsel patients with known HCV regarding reducing risk of transmission and will assist in discharge planning.

PROCEDURE

The clinician should, in general:

1. Test the patient for hepatitis C infection in any of these situations, if prior testing has not been done:
 - Symptoms or signs of chronic liver disease
 - Repeatedly elevated liver enzymes over a period of at least 6 months
 - HIV infection or chronic hepatitis B infection
 - Hemodialysis
 - Sexual assault while incarcerated – see Cermak Policy B-05
2. Proceed as follows prior to referral to specialist in a patient with suspected or with confirmed hepatitis C infection:
 - Perform and document a focused history and physical exam;
 - Order appropriate testing;
 - Recommend hepatitis A and B immunization, if not serologically immune
 - Counsel the patient on self-harm reduction practices:
3. Consult with a specialist in infectious disease in any of the following situations:
 - The patient is in the midst of hepatitis C treatment or post-treatment surveillance when incarcerated;
 - The patient has hepatitis C and fulfills CCHHS practices about qualifications for treatment.

SELF-MONITORING OF COMPLIANCE INDICATORS

See Cermak Policy G-02

SAO BOBBITT 001087

MOTION FOR CONSOLIDATION Exhibit A

Title: HEPATITIS C	Page 2 of 3	Policy # G-02.7
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CROSS REFERENCES

NCCHC Standards addressed by this policy	G-01, G-02
Pertinent ACA Standards	4-ALDF-4C-19
Cermak policy number in last revision	19-B-01-27; 01-08G-25
Revision dates of all previous versions	1/2006
Date of last review, if later than last revision	n/a
Other related Cermak policies	G-01, G-02
Pertinent system-wide CCHHS policies	n/a
Pertinent custody directives	n/a

Title: HEPATITIS C	Page 3 of 3	Policy # G-02.7
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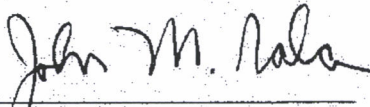
POLICY LEAD

Infection Control

REVIEWER(S)

Chair of Correctional Health

APPROVAL PARTY(IES)



Site Administrator



Chair of Correctional Health

POLICY HISTORY

Written: 8/1/2010

Revised 2/6/2015

BRENT D. HOLMES
H. KENT HELLER
FRED JOHNSON
HEATH UPPENCAMP*
JENNIFER A. KOEBELE
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HARLAN HELLER
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LAW OFFICES OF
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January 3, 2018

LEGAL MAIL

Mr. Talmon Hegwood #20170620227
Cook County Jail
P.O. Box 089002
Chicago, IL 60608

Re: Deceased Plaintiffs
Our File No. 17774

Dear Mr. Hegwood:

Enclosed is a list of the Plaintiffs in our cases that we know of that have passed.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Kent Heller".

H. Kent Heller

HKH/kjs

Enc.

hegwood 17774 1.3.18 letter to client

DECEASED INMATES

1. Luis Reyes #16304 - **Dismissed from case on 1/10/11**
2. Lawrence Napue #16145 - **Dismissed from case on 9/18/12**
3. James Evenson #16530 - **Dismissed from case on 9/18/12**
4. Gaylord Richardson #16930
5. John Silva #16861
6. Brian Lee Wilson #16189 - **Dismissed from case on 11/27/12**
7. Johnny Massey #16979 - **Dismissed from case on 9/18/12**
8. Daniel Wead #16514 - **Dismissed from case on 9/18/12**
9. Kevin Dean #16162
10. Dennis Wilson #16370
11. James Hart #16330 - **Dismissed from case on 11/27/12**
12. David Julian #17112
13. Douglas Roper #16129
14. Terry Cocroft #16827
15. Darnell Palacio #17546
16. Sturgis Jones #16030
17. Willie Moses Adkins #16438 - **Dismissed from case on 9/18/12**
18. Harold Higgens #16024
19. Travis Armstrong #17730
20. Leland R. Gold #18014
21. Thomas Pagnano #16520
22. Guadalupe Lopez #16371
23. Robert Thomas #16547 - **Dismissed from case on 9/18/12**
24. Bernard Quinten Smith #16176
25. Jesus Miranda #16414
26. Cleveland Seamon #16972
27. Grayland Johnson #17893
28. William Hutchinson #17769
29. Stacy Stevens #16813
30. Serafin Flores #16006
31. Richard Herman #16676
32. Nicholas Heiman #16410
33. Daniel Duane #16714
34. Claxton H. Williams #16387
35. Dennis Glick #16540
36. Leland Harland #18665
37. Ronald Granger #17390
38. William Stellwagen #16856
39. William Mazurek ##16910
40. Christopher James #18813
41. Charles Corley #17833
42. Dabney Tatum #17351
43. Robert Gibson #18510

44. Burdette Olsen #16545
45. Bret Baker #17758
46. Carl Tatman #17965
47. John Waldron #18628
48. Robert Richko #17659
49. Kenneth Shaffer #18438
50. Phillip Day #16607
51. Alphonso Paul de la Paz #17242
52. Russell Tobias #19047
53. Steven Gold #18479
54. Herbert Zackery #16460
55. Stephen Dryden #19869
56. Sidney Portis #19445
57. Dennis Rossato #18185
58. Frank Volkmar #16817
59. Bruce Reed #19950
60. Randy Hill #20298
61. Lance Manning #17316
62. Gilberto Vera #16511
63. Michael Bayles #18508
64. Alex Gamino #18618
65. Neil Skowron #18323
66. Marcello Cruz #17105
67. Lamont Thomas #17146
68. Steven Leclair #19581
69. Randolph A. Mullen #19813
70. Kevin Dickens #20153
71. Aimee Fisher #19452
72. Jesse A. Rosales #20669
73. Andre Crawford #19144
74. Robert Porter #19989
75. John R. Moore #18696
76. Matthew S. Widel-Keller #21245
77. Michael Wilkins #18621
78. Joseph Cholico #19465
79. Donald Bowman #20170
80. Johnnie Higgins #19947
81. Larry Landis #19361
82. Henry Johnson #18549
83. David Treece #18459
84. Larry Jordan #17210
85. George Douglas #17125
86. Darryl Wooding #16555

Talmon Hegwood Jr.
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04/02/2018-31

RECEIVED
2018 APR -2 AM 9:31



Honorable Daniel G. Martin c/o
Honorable Thomas G. Bruton
Clerk
United States District Court
219 South Dearborn Street
Chicago, IL 60604